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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,480	04/13/2001	Kun Zhang	GEMS8081.062	7330

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,480

Applicant(s)

ZHANG ET AL.

Examiner

Hosuk Song

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-13, 24, 26, 27, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4,6-7,9-13,24,26-27,30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobita(US 5,938,730).

Claim 1: Tobita disclose receiving an access request from a remotely located client device seeking access to an option resident in memory of the remotely located device in (col.4,lines 41-43). Tobita discloses determining whether to grant limited access to the option of the remotely located client device in response to the access request when a set of criteria has been met in (col.4,lines 41-52). Tobita discloses generating an electronic enabler configured to permit access to the option in response to an access grant in (col.4,lines 36-40). Tobita discloses transmitting the electronic enabler to the device in (col.4,lines 39-40). Tobita discloses automatically enabling customer access to the option in the remotely located client device in response to reception of the electronic enabler in (col.4,lines col.4,lines 39-40).

Claim 2: Tobita discloses monitoring use of the option and providing a warning of an expiration of the access grant in (col.4,lines 64-66).

Claim 3: Tobita discloses monitoring one of a number of uses and a time period, wherein an expiration of either is used to automatically terminate access to the option after providing the warning in (col.4,lines 64-67).

Claim 6: Tobita disclose granting limited access on a pay-per-user period in (col.4,lines 45-49).

Claim 7: Tobita disclose pay-per-use period comprises one of a fixed time period, particular days in a week, and particular times of a day in (col.4, lines 57-59).

Claim 9: Tobita discloses receiving the access request at a centralized facility from a remote user via a public communication interface in (fig.3).

Claim 10: Tobita discloses steps in claim 1 are entirely automated at a centralized facility in (col.4, lines 19-31).

Claim 11: Tobita discloses receiving a customer identifier from a customer and validating the customer via the customer identifier in (fig.2).

Claim 12: Tobita discloses retrieving a customer status of the customer in (fig.2). Tobita discloses denying the access request if the customer status is unqualified and granting the access request if the customer status is qualified in (col.4, lines 40-52).

Claim 13: Tobita disclose wherein customer status of unqualified includes one of a delinquent account, an exhausted line of credit, a poor credit history, and a refusal to complete educational requirements and a customer status of qualified includes a non-delinquent account in (col.4, lines 48-52).

Claim 24: Tobita disclose receive at a centralized facility an access request from a user to request access to an option resident in a remote client-device in (col.4, lines 41-43). Tobita disclose determine whether the user is qualified and if so grant limited access to the option resident in the remote client device in (col.4, lines 41-52). Tobita disclose generate a software key designed to allow limited access to the option; send the software key to the client device and enable limited access by a user to the option in (col.4, lines 36-40).

Claim 26: Tobita discloses deny access to the option upon expiration of the limited access grant in (col.4, lines 64-67).

Claim 27: Tobita disclose instructions to send the software key via one of a private communication interface and a public communication interface in (fig.3).

Claim 30: Tobita discloses software key is embedded with data that controls an expiration period of the option in (col.4,lines 53-60).

Claim 31: Tobita disclose software key provides access to one or more options in the client device in (fig.2 and col.39-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita(US 5,938,730).

Claim 25: Tobita does not specifically disclose transmitting a renewal access request consistent with terms of a previous grant of limited access. Official notices is taken that this is well known in the art. One of ordinary skill in the art would have been motivated to transmit a renewal access request consistent with terms of a previous grant of limited access in order to prevent service interruption thus allowing user to continuously have an access to the data.

3. Claims 14,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita et al(US 5,938,730) in view of Spix et al.(US 5,179,702).

Claims 14,29: Tobita does not specifically disclose device includes at least one medical imaging scanner. Spix patent disclose medical imaging scanner in (col.37,lines 30-35). It would

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have been obvious to person of ordinary skill in the art at the time invention was made to employ medical image scanner in order to improve efficiency data processing in health care facilities.

Allowable Subject Matter

4. Claims 15-23 are allowed.

Claim 15: Prior art of record does not teach a device having at least one disabled option resident on a computer programmed to control the device; a centralized facility located remotely from the device and having at least one access computer programmed to receive from a qualified customer a request to access and use the disabled option and grant access and use, on a pay-per-use basis, of the disabled option for a predetermined time period.

Claims 16-23 are allowed because of dependency.

5. Claims 5,8,28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

6. Claims 1-31 are pending. Applicant has amended independent claims 1,24, which necessitated new grounds of rejection. New rejections are presented above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

USPTO Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS


Hosuk Song
Primary Examiner 2135